



# DRAFT DEVELOPMENT PLAN SUBMISSION

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DRAFT FINGAL DEVELOPMENT PLAN 2023-2029  
(STAGE II CONSULTATION)

Proposed Removal of LAP Designation  
Lands at Belcamp Hall (Protected Structure)  
Malahide Road, Dublin 17

Client: Gerard Gannon Properties

May 2022



# FINGAL DEVELOPMENT PLAN 2023-2029

DRAFT PLAN  
24<sup>TH</sup> OF FEBRUARY 2022

## WRITTEN STATEMENT

### EXECUTIVE SUMMARY

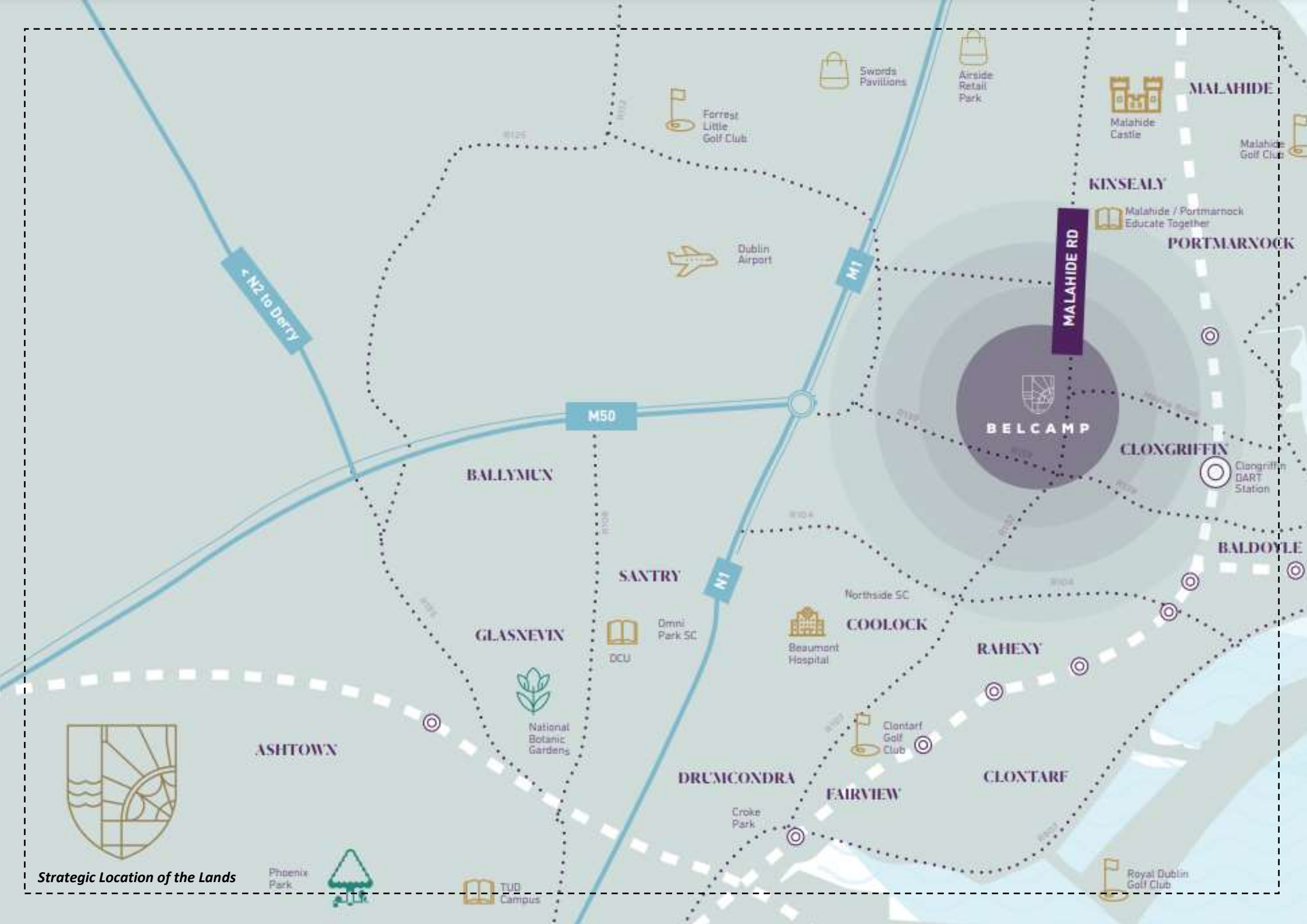
*This submission is made by DOWNEY, on behalf of our client, Gerard Gannon Properties, and is submitted to Fingal County Council in the context of the draft Fingal County Council Development Plan 2023-2029, which is currently on public call for submissions.*

*This submission is made on behalf of our client, Gerard Gannon Properties, Kinvara House, 52 Northumberland Road, Ballsbridge, Dublin, D04 A665, in relation to the current LAP designation on lands at Belcamp Hall (Protected Structure), Malahide Road, Dublin 17.*

*The Belcamp lands have been zoned since 2005 and have been the subject of several planning applications since 2015, most notably the first phase of the lands relative to Belcamp Hall (protected structure) which are now under construction i.e., College Avenue, Washington Drive, River Walk, etc., and other recent developments within the LAP lands include Belcamp Manor (partly occupied and under construction), and Saint Doulagh's Oaks (recently completed and occupied).*

*In this instance, the Belcamp lands are unique in that our client, Gerard Gannon Properties, is the sole owner of the remaining developable lands at Belcamp and the ongoing development of the lands is being carefully considered and designed such that it does not impact or prejudice the future development of surrounding landholdings. The lands are subject to extant planning permissions which are under construction, and several live planning applications which are on appeal with An Bord Pleanála, live applications with Fingal County Council or with An Bord Pleanála including a large SHD application for 2,527 units and complementary land-uses (childcare, retail, recreational, etc). These applications represent the completion of the Belcamp lands in accordance with local and national policy guidance which must be recognised.*

*Therefore, the overall lands which were originally envisaged for the preparation of a Local Area Plan (LAP) have since progressed beyond strategic plan making and are now developed/occupied, under construction or at detailed design planning application stage/under consideration by the competent authorities. In this context, DOWNEY are of the professional opinion that a Local Area Plan (LAP) designation on the subject lands is no longer warranted, and thus propose the removal of the LAP designation from the Belcamp lands.*



← N2 to Derry

M50

M1

M1

MALAHIDE RD

**BELCAMP**

BALLYMUN

SANTRY

GLASNEVIN

ASHTOWN

DRUMCONDRA

FAIRVIEW

CLONTARF

COOLOCK

RAHENY

BALDOYLE

CLONGRIFFIN

PORTMARNOCK

KINSEALY

MALAHIDE

Dublin Airport

Beaumont Hospital

DCU  
Omni Park SC

National Botanic Gardens

Clontarf Golf Club

Royal Dublin Golf Club

Malahide / Portmarnock Educate Together

Malahide Castle

Forrest Little Golf Club

Swords Pavilions

Airside Retail Park

Malahide Golf Club

Clongriffin GART Station



Strategic Location of the Lands

Phoenix Park

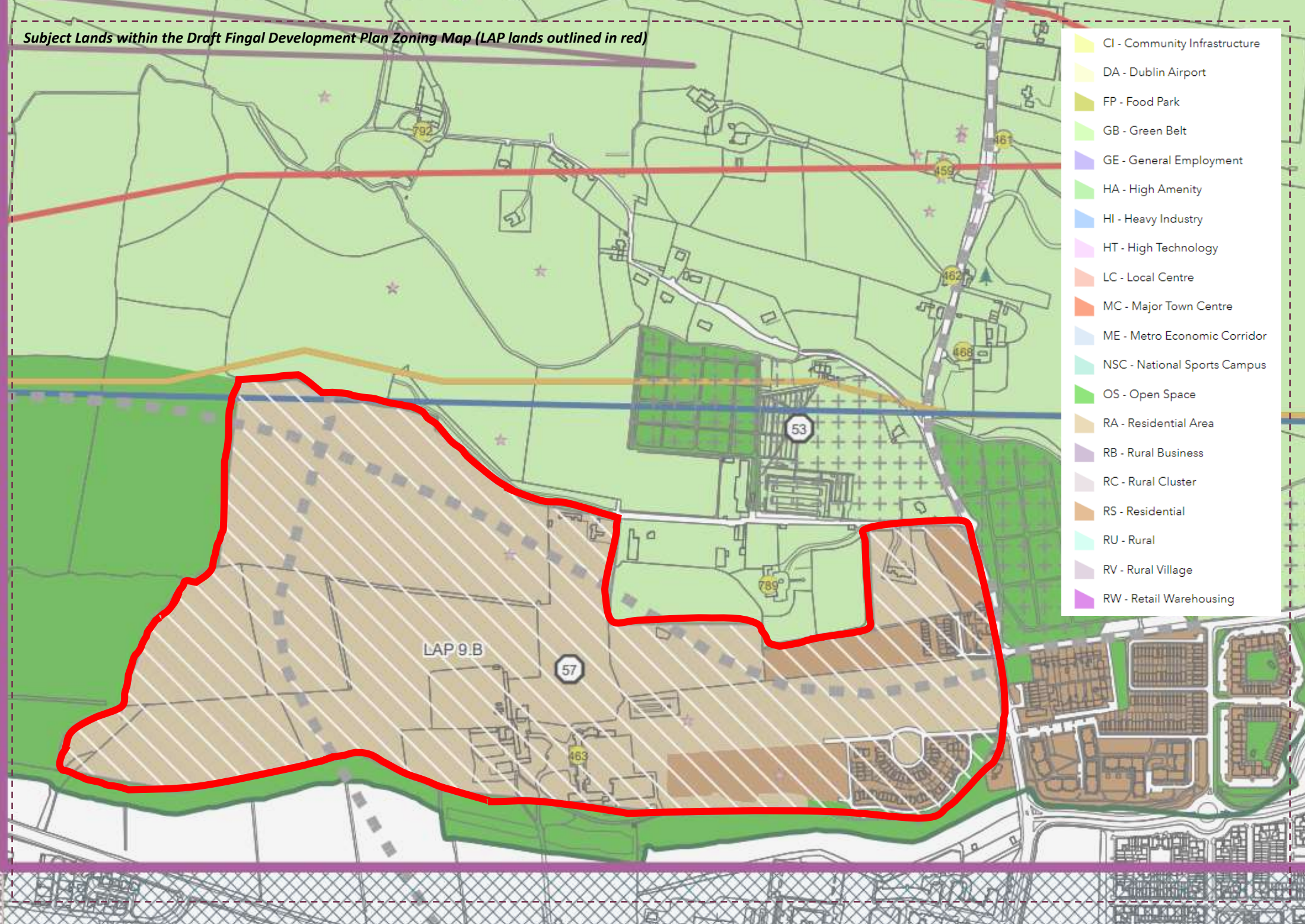


TUO Campus



**Subject Lands within the Draft Fingal Development Plan Zoning Map (LAP lands outlined in red)**

- CI - Community Infrastructure
- DA - Dublin Airport
- FP - Food Park
- GB - Green Belt
- GE - General Employment
- HA - High Amenity
- HI - Heavy Industry
- HT - High Technology
- LC - Local Centre
- MC - Major Town Centre
- ME - Metro Economic Corridor
- NSC - National Sports Campus
- OS - Open Space
- RA - Residential Area
- RB - Rural Business
- RC - Rural Cluster
- RS - Residential
- RU - Rural
- RV - Rural Village
- RW - Retail Warehousing



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# DOWNEY

*This planning submission is made in response to the statutory review of the Fingal County Development Plan. Stage 2, known as the ‘Draft’ stage, requires submissions to be of a site-specific nature. Accordingly, this submission has been prepared in the context of the “Draft Fingal Development Plan” which sets out the vision for how Fingal should develop over the life of the Plan while ensuring compliance with national and regional policy. The Development Plan presents an opportunity for the general public to shape Fingal for the future when it comes to important issues such as housing, economic development, community and heritage. We would therefore respectfully request that Fingal County Council consider the content within this planning submission. Downey Planning would like to thank the Council for the opportunity to make this submission, on behalf of our clients whom are strategic landowners, business operators and residents of Fingal.*

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Downey Planning Document Control			
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<b>Approved by</b>	John Downey MIPI MRTPI Managing Director	12 May 2022	V_02_FINAL

## 1.0 INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Gerard Gannon Properties, Kinvara House, 52 Northumberland Road, Ballsbridge, Dublin, D04 A665, in relation to the current LAP designation on lands at Belcamp Hall (Protected Structure), Malahide Road, Dublin 17.

This written submission is made in response to an invitation for comments from interested parties by Fingal County Council. This submission is being made within the specified timeframe for submissions i.e., 12 May 2022, as set out on the Draft Development Plan's public notice.

## 2.0 LEGISLATIVE BASIS

Section 9 of the Planning and Development Act 2000 (as amended) provides that, subject to the requirements set out in the Act, that a planning authority must adopt a new Development Plan every six years. The contents of the Development Plan are set out within Section 10 of the Planning and Development Act 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question.

The process for the preparation of the draft Development Plan is contained within Section 11 of the Planning and Development Act 2000 (as amended) which states:

*“11.—(1) Not later than 4 years after the making of a development plan, a planning authority shall give notice of its intention to review its existing development plan and to prepare a new development plan for its area.*

*(2) A notice under subsection (1) shall be given to the Minister, any prescribed authorities, any adjoining planning authorities, the Board, any relevant regional authority and any town commissioners and city and county development boards within the functional area of the authority and shall be published in one or more newspapers circulating in the area to which the development plan relates and shall—*

*(a) state that the planning authority intends to review the existing development plan and to prepare a new development plan,*

*(b) indicate that submissions or observations regarding the review of the existing plan and the preparation of a new development plan may be made in writing to the planning authority within a specified period (which shall not be less than 8 weeks),*

*(c) indicate the time during which and the place or places where any background papers or draft proposals (if any) regarding the review of the existing plan and the preparation of the new development plan may be inspected.*

*(3) (a) As soon as may be after giving notice under this section of its intention to review a development plan and to prepare a new development plan, a planning authority shall take whatever additional measures it considers necessary to consult with the general public and other interested bodies.*

*(b) Without prejudice to the generality of paragraph (a), a planning authority shall hold public meetings and seek written submissions regarding all or any aspect of the proposed development plan and may invite oral submissions to be made to the planning authority regarding the plan.*

*(c) In addition to paragraphs (a) and (b), a planning authority shall take whatever measures it considers necessary to consult with the providers of energy, telecommunications, transport and any other relevant infrastructure and of education, health, policing and other services in order to ascertain any long-term plans for the provision of the infrastructure and services in the area of the planning authority and the providers shall furnish the necessary information to the planning authority.*

*(4) (a) Not later than 16 weeks after giving notice under subsection (1), the manager of a planning authority shall prepare a report on any submissions or observations received under subsection (2) or (3) and the matters arising out of any consultations under subsection (3).*

*(b) A report under paragraph (a) shall—*

*(i) list the persons or bodies who made submissions or observations under this section as well as any persons or bodies consulted by the authority,*

*(ii) summarise the issues raised in the submissions and during the consultations, where appropriate,*

*(iii) give the opinion of the manager to the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area, and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, and (iv) state the manager's recommendations on the policies to be included in the draft development plan.*

*(c) A report under paragraph (a) shall be submitted to the members of the planning authority, or to a committee of the planning authority, as may be decided by the members of the authority, for their consideration.*

*(d) Following the consideration of a report under paragraph (c), the members of the planning authority or of the committee, as the case may be, may issue directions to the manager regarding the preparation of the draft development plan, and any such directions must take account of the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, and the manager shall comply with any such directions.*

*(e) Directions under paragraph (d) shall be issued not later than 10 weeks after the submission of a report in accordance with paragraph (c).*

*(f) In issuing directions under paragraph (d), the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates.*

*(5) (a) The manager shall, not later than 12 weeks following the receipt of any directions under subsection (4)(d), prepare a draft development plan and submit it to the members of the planning authority for their consideration.*

*(b) The members of a planning authority shall, as soon as may be, consider the draft development plan submitted by the manager in accordance with paragraph (a).*

*(c) Where the draft development plan has been considered in accordance with paragraph (b), it shall be deemed to be the draft development plan, unless, within 8 weeks of the submission of the draft development plan under paragraph (a), the planning authority, by resolution, amends that draft development plan.”*

The consultation process of the Draft Development Plan is contained within section 12 of the Planning and Development Act, 2000 (as amended), which states:

*“12 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within two weeks of the period referred to in section 11(5)(c)—*

*(a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed rules, any town commissioners in the area and any city or county development boards in the area, and*

*(b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.*

*(2) A notice under subsection (1) shall state that—*

*(a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and*

*(b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan”.*

This submission to the draft of the Development Plan is being made in accordance with the Planning and Development Act 2000 (as amended) and is being submitted within the specified timeframe (12<sup>th</sup> May 2022) as set out in the Draft Fingal Development Plan 2023-2029 public notice.



### 3.0 SITE LOCATION & DESCRIPTION

The subject lands are located to the north of the R139 road and to the west of the Malahide Road (R107 road), all on lands at Belcamp Hall (protected structure), Dublin 17. This is a landholding which is transboundary in nature as it is situated within the functional areas of both Fingal County Council and Dublin City Council. This submission is being made within the context of the Fingal County Council portion of the lands which are subject to a Local Area Plan (LAP) designation under the Fingal Development Plan.

The subject lands are bounded by Bewley's Tea and Coffee Head Office to the east; to the west by undeveloped employment lands and by Craobh Chiarain GAA pitches; by the R139 road to the south adjoining Northern Cross; and to the north by Belcamp Hutchinson (protected structure), Belcamp Manor residential development (under construction), St. Doulagh's Oaks residential development (recently constructed and completed), and the mixed-use development which includes The Balgriffin Inn pub. The site is currently accessed through the existing vehicular access from the Malahide Road (R107). Additional vehicular accesses are proposed as part of live planning applications (detailed in Section 4.0 below) including from the R139 Road and the Malahide Road.

The subject site is served by local road networks with connections to the M1 and M50 which provides access directly into Dublin City Centre and to Belfast, as well as the R107 which provides access directly into Dublin City Centre. There are also bus connections to Dublin from the R107 with Bus Stop No. 1217 (42, 43, 102c) and also Bus Stop No. 4563 serving routes Nos. 15, 27, 27x, 42, and 43, which are within walking distance of the subject site. The Belcamp lands are thus served by a high-quality bus corridor connecting Dublin City Centre and Clongriffin Train Station. There is a range of retail, health, community and commercial facilities in the immediate vicinity of the subject site, as well as a number of recreational amenities including parks and sports clubs.

The lands are subject to various extant planning permissions and live planning applications including most recently a Strategic Housing Development (SHD) application for 2,527 units and complementary land uses which is currently with An Bord Pleanála for decision, under ref. ABP-313494-22.

There are also proposals at various stages of the planning process including live planning applications with Fingal County Council, proposals at pre-planning consultation stage of the application process with Fingal County Council, and also ongoing construction pertaining to the earlier phases of permitted development on the lands including Reg. Ref. F15A/0609 & E1 (ABP Ref. PL06F.248052), Reg. Ref. F19A/0220, and Reg. Ref. F19A/0221. The relevant details in the context of planning applications pertaining to the overall landholding can be found in the planning history section of this submission.

Therefore, the overall lands which were originally envisaged for the preparation of a Local Area Plan (LAP) have since progressed beyond strategic plan making and are now constructed/occupied, under construction or at detailed design planning application stage/under consideration by the competent authorities. In this context, DOWNEY are of the professional opinion that a Local Area Plan (LAP) designation on the subject lands is no longer warranted.

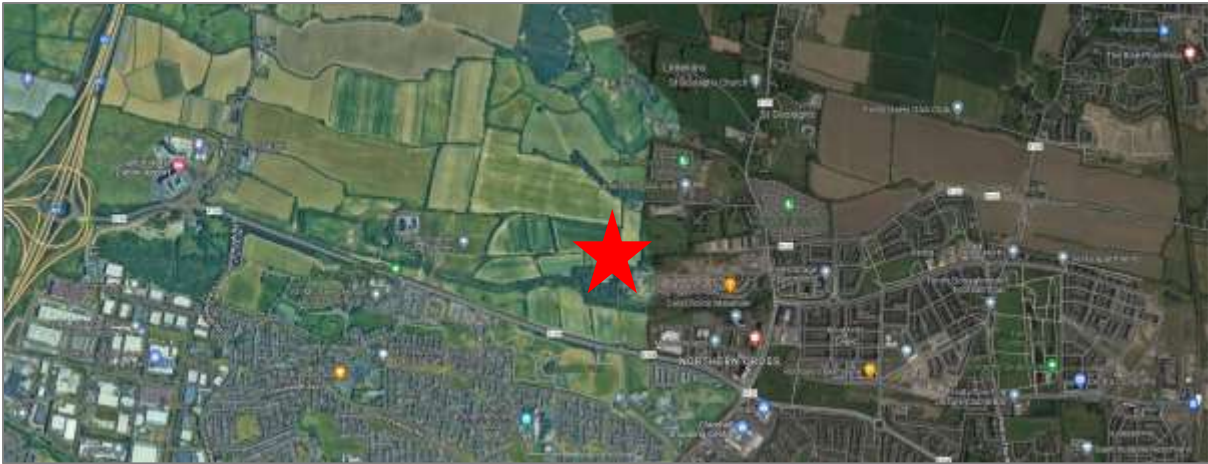


Figure 1. Aerial View of the Location of the Subject Site (site denoted by red star)

## 4.0 PLANNING HISTORY

DOWNEY have carried out an examination of the planning history of the subject site which determined that there have been several planning applications made on the overall landholding of the subject lands. The most relevant planning history is as follows:

- Reg. Ref. F05A/1388** – By Order dated 1<sup>st</sup> March 2007, Fingal County Council granted planning permission to Gannon Homes Limited for alterations to and change of use at Belcamp College, a Protected Structure. The proposed development relates only to later 19th and 20th century parts of the complex, being the northern residential annexe and the southern T shaped brick wing, and consists of the change of use from school with residential component to apartment dwellings with consequential alterations to the internal arrangements and to fenestration on all elevations, 9 one bedroom, 20 two bedroom and 1 three bedroom apartments are to be provided together with associated parking, landscaping and engineering works, all accessed from existing access from N32 Road, Belcamp; on lands at Belcamp College, Malahide Road, Balgriffin, Dublin 17.
- Reg. Ref. F15A/0609 (ABP Ref. PL06F.248052)** – By Order dated 28<sup>th</sup> June 2017, An Bord Pleanála granted planning permission to Gannon Properties for a development of houses, apartments and shops and the change of use of Belcamp Hall, a Protected Structure (RPS No. 463), and its associated later extensions from educational uses to residential use, the chapel and the room in the north east part of Belcamp Hall ground floor to a community use, the three storey building on the north east to residential, cafe and childcare use. The works involve the refurbishment of Belcamp Hall and its later extension to provide 34 apartments (15 no. 1-bed, 13 no. 2-bed, 5 no. 3-bed and 1 no. 4-bed) and comprise the general repair and conservation of the existing buildings, and other works as is necessary to adapt the buildings to their new uses. The works to the Georgian House involve the general repair and conservation of the historic building fabric, upgrading the floors and installation of a new pitched roof. The works to the existing extensions to the south involve the complete refurbishment and fit out of the fire damaged blocks including installing new pitched roofs with dormer windows and the installation of balconies. An existing stair on the southeast will be demolished and a replacement staircase constructed. An additional floor will be inserted

into the southern block to provide additional accommodation at roof level. The works to the chapel involve the repair, conservation and reinstatement of the building fabric and its fittings and works to adapt it to its new use. The three-storey building to the north will be extended and converted to residential use on the first-floor level, restaurant use on the ground floor and part basement level and a childcare facility at basement level. External brickwork and stone will be re-pointed and cleaned, and rainwater goods and leadwork replaced. Decorative metal railings will be reinstated. Disabled access facilities will be provided to the chapel. New mechanical, electrical and waste services will be installed throughout. The works will also include external works, hard and soft landscaping, underground services, repairs to the external entrance stone bridge and other external stone paved features. The existing stone pillars and gates at the Malahide Road entrance to be relocated to a position within the development. The new works comprise: a courtyard of 27 dwellings (6 no. three storey 3-bed houses and one 3 storey block containing 8 no. 1-bed, 1 no. 2-bed & 1 no. 3-bed apartments, 5 no. 2-bed & 1 no. 3-bed duplex live/work units, and 5 no. 3-bed duplex units) and 1 no. corner retail unit (51m<sup>2</sup>), on lands east of the walled garden; and one 3-4 storey block of 47 apartments (12 no. 1-bed, 32 no. 2-bed & 3 no. 3-bed); one 3 storey block of 16 apartments (4 no. 1-bed, & 12 no. 2-bed) over 8 no. retail units (621.5m<sup>2</sup> gross area); and 139 no. terraced, semi-detached and detached 2 storey houses (3 no. 2-bed, 86 no. 3-bed and 50 no. 4-bed) on lands between Belcamp Hall and Malahide Road. The development will include associated roads and infrastructure including a new east-west main road; services networks; 524 no. car parking spaces (incl. 273 on-curtilage); 118 no. bicycle spaces; bin stores; landscaping works including regeneration of existing woodland and provision of foot paths along Mayne River valley east and south of Belcamp Hall and protection and management of walled garden and woodland west of Belcamp Hall; and all associated ancillary and site works; all on a site of c.15.3ha, on lands bounded by the Malahide Road to the east, Mayne River to the south and development lands to the west and north, with access from the Malahide Road.

- **Reg. Ref. F18A/0058** - By Order dated 16<sup>th</sup> May 2018, Fingal County Council granted planning permission to Gannon Properties for amendments to permitted development Reg. Ref. F15A/0609, PL06F.248052, at Belcamp, a protected structure (RPS No. 463), to replace 9 no. three storey bedroom houses with 8 no. two storey three-bedroom houses, on a 0.19ha portion of the lands, with access from Malahide Road. The development includes 16 no. on-curtilage car parking spaces and all associated and ancillary site works; on lands at Belcamp, Malahide Road, Dublin 17.
- **Reg. Ref. F19A/0220** - By Order dated 20<sup>th</sup> August 2019, Fingal County Council granted planning permission to Gannon Properties for Amendments to permitted developments Reg. Ref. F15A/0609, PL06F.248052 and F18A/0058 (a protected structure, RPS No. 463) to replace 83 no. two storey houses comprising 1 no. 2-bedroom house, 44 no. 3-bedroom houses and 38 no. 4-bedroom houses, with 89 no. two storey houses comprising 58 no. 3-bedroom houses and 31 no. 4-bedroom houses, on a 2.27ha portion of the lands, with access from Malahide Road. The development includes 178 no. on-curtilage car parking spaces and all associated and ancillary site works; on lands at Belcamp, Malahide Road, Dublin 17.
- **Reg. Ref. F19A/0221** - By Order dated 20<sup>th</sup> August 2019, Fingal County Council granted planning permission to Gannon Properties for amendments to permitted development Reg.

Ref. F15A/0609, PL06F.248052 at Belcamp, a Protected Structure (RPS No. 463), comprising revisions to layout and house types of 49 no. two storey houses comprising 37 no. 3-bedroom houses and 12 no. 4-bedroom houses on a 1.21ha portion of the lands, with access from the Malahide Road. The development includes 98 no. on-curtilage car parking spaces and all associated and ancillary site works; on lands at Belcamp, Malahide Road, Dublin 17.

- **Reg. Ref. F21A/0401** - By Ordered dated 3<sup>rd</sup> November 2021, Fingal County Council granted planning permission to Gerard Gannon Properties for the construction of 78 no. residential units comprising 58 no. houses (41 no. two storey 3-beds, 12 no. two storey 4-beds and 5 no. three storey 4-beds, all with associated car parking, and one no. three storey multi-dwelling block consisting of 10 no. own-door duplex units (6 no. 2-beds and 4 no. 3-beds), 2 no. 2-beds own-door triplex units, and 8 no. apartments (6 no. 1-beds and 2 no. 2-beds), all provided with private balconies/terraces and associated car parking and bicycle parking; landscaping; boundary treatments; public lighting; and all associated site infrastructure and engineering works necessary to facilitate the development. An appeal was subsequently lodged on 26th November 2021 and is now under consideration by An Bord Pleanála.
- **Reg. Ref. F21A/0488** – By Ordered dated 28<sup>th</sup> January 2022, Fingal County Council granted planning permission to Gerard Gannon Properties for the construction of 77 no. residential units across 2 no. apartment blocks as follows; Block 1, a part 3 and part 4 storey apartment block comprising 51 no. units (16 no. 1 bedrooms; 33 no. 2 bedrooms and 2 no. 3 bedroom units) with balconies/terraces to all units. Block 2, a part 3 and part 4 storey apartment block comprising 26 no. units (4 no. 1 bedrooms and 22 no. 2 bedroom units) with balconies/terraces to all units. The development also to include 65 no. surface level parking spaces, 184 no. bicycle parking spaces, bin stores, landscaping and boundary treatments. An appeal has subsequently been lodged on 23<sup>rd</sup> February 2022 and is now under consideration by An Bord Pleanála. It is important to note that Blocks 1 & 2 also form part of the site that was previously omitted by way of Condition No. 2 that was attached to the parent planning permission granted under Reg. Ref. F15A/0609; ABP Ref. PL06F.248052.
- **Reg. Ref. F15A/0609/E1** – By Order dated 24<sup>th</sup> March 2022, Fingal County Council granted an Extension of Duration of Permission on the parent permission ABP Ref. PL06F.248052, for a period of 5 years, expiring on the 28<sup>th</sup> June 2027.
- **Reg. Ref. F22A/0136** – On 16<sup>th</sup> March 2022, Gerard Gannon Properties submitted a planning application to Fingal County Council for a development consisting of a 4 storey mixed use building (Block 3) comprising 40 no. residential units (6 no. 1 bedroom units and 34 no. 2 bedroom units) with balconies/terraces, a childcare facility over ground and first floor levels with outdoor play area, refuse storage, plant and bike storage area at ground floor level, all with associated car parking and bicycle parking, landscaping, boundary treatments, public lighting and all associated site and engineering works necessary to facilitate the development. Planning permission is also sought for a single storey cafe structure within the walled garden (protected structure) with an associated terrace area, pergola, retractable awnings, and associated signage, with maintenance store, vehicular service access with gates, boundary treatments, detailed walled garden landscaping proposals including a natural play area (on foot of planning permissions granted under Reg Refs F15A/0609, PL06F 248052, F18A/0058, F19A/0220, F19A/0221). Additionally, the proposed development also includes an additional

section of new road infrastructure pertaining to the East West Link Road on foot of planning permissions granted under Reg Refs F15A/0609, PL06F.248052, F18A/0058, F19A/0220 and F19A/0221). It's important to note that Block 3 and the childcare facility form part of the site that was previously omitted by way of Condition No. 2 that was attached to the parent planning permission granted under Reg. Ref. F15A/0609; ABP Ref. PL06F.248052. This application is currently at Additional Information stage of the application process (FCC AI Request dated 10<sup>th</sup> May 2022).

- **SHD Application Reg. Ref. ABP-313494-22** – On 5<sup>th</sup> May 2022, Gerard Gannon Properties submitted a Strategic Housing Development application to An Bord Pleanála for 2,527 no. residential units comprising houses, apartments and duplex units, 2 no. childcare facilities; 1 no. sports changing facilities building; 3 no. cafés/restaurants; 18 no. retail/commercial units; and all associated engineering and site works necessary to facilitate the development. This application is currently under consideration with An Bord Pleanála.

The remaining lands subject to the Belcamp LAP designation include a site with a large one-off residential dwelling and garden on Carr's Lane; a mixed-use development containing The Balgriffin Inn pub which has been subject to planning applications and development, and also the residential development of Belcamp Manor to the rear which is partly occupied and under construction (relevant planning permissions for these developments include Reg. Refs. F15A/0093/PL06F.245710; F18A/0092/ABP-301639-18; F18A/0167; F21A/0390). In addition, Saint Doulagh's Oaks residential development consisting of two apartments blocks has recently been constructed and occupied (granted under permission Reg. Ref. F18A/0735; ABP-304499-19). This development is located at the junction of Carr's Lane with the Malahide Road.

Furthermore, the constructed, permitted and proposed developments have been sensitively designed in a manner that does not prejudice the development of the wider surrounding lands. Consultation has taken place with strategic adjoining landowners within the immediate vicinity of the Belcamp lands such as consultation with the IDA (the landowner of the large employment lands to the immediate west of Belcamp).

DOWNEY understand that this represents the full extent of the planning history pertaining to the subject lands and indeed the entire Belcamp LAP lands. At this juncture, it must be stressed that the lands designated for the preparation of a Local Area Plan have in fact progressed beyond strategic plan making and are now constructed/occupied, under construction or at detailed design stage/under consideration by the competent authorities through the planning application process. In this context, DOWNEY are of the professional opinion that a Local Area Plan (LAP) designation on the subject lands is no longer warranted.

## 5.0 PLANNING CONTEXT

### 5.1 Development Management Guidelines for Planning Authorities (2007)

The Government's guidelines on Development Management state that development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or

framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated timeframe.

Having regard to the advice given in the Development Management Guidelines, the absence of a demonstrable commitment by the Planning Authority to commence work on the Belcamp Local Area Plan over the course of the current Development Plan and in light of the extant permissions, ongoing development and live applications pertaining to the entire Belcamp LAP designated lands, it is therefore submitted that a Local Area Plan (LAP) designation on the subject lands is no longer required.

## 5.2 Fingal Development Plan 2017-2023

In relation to Local Area Plans, the Development Plan indicates that, *“the preparation of Local Area Plans will enable a high degree of flexibility in the application of zoning and planning policies and assist in the application of the Council’s policies in relation to:*

- *Ensuring appropriate residential densities, especially where near to public transport links, with a requirement for a high standard of layout design and a mix of housing types.*
- *Providing for industrial and commercial uses to a high standard of design.*
- *Providing for the implementation of the Council’s objectives in relation to Green Infrastructure which seeks to address provision for biodiversity, parks and open space, sustainable water management, landscape character, and architectural and archaeological heritage in a coherent and integrated manner.*
- *Considering the feasibility of facilitating specific uses to provide appropriate employment opportunities.*
- *Providing for appropriate, viable and sustainable uses of the Greenbelts.*
- *Providing for the development of land to be phased with the provision of infrastructural and social facilities.*
- *Ensuring an appropriate mix of social, affordable and private housing.*
- *Providing for the development of viable rural communities.”*

No such Local Area Plan has been prepared by the Planning Authority for the Belcamp lands.

With regards to the preparation of Local Area Plans, page 91 of the Development Plan states that Local Area Plans for these lands shall be prepared and agreed by the Planning Authority prior to the submission of any planning application.

*“Objectives are provided detailing locations where Local Area Plans (LAPs) and Masterplans are required in a number of urban areas. Details of these LAPs and Masterplans are identified below. In accordance with Objectives PM13 and PM14 (Chapter 3, Placemaking) the LAPs and Masterplans for these lands shall be prepared and agreed by the Planning Authority prior to the submission of any planning application. LAPs and Masterplans shall provide for the phased development of subject lands as appropriate.”*

However, the Planning Authority have already granted planning permission on lands that are within the designated local area plan area prior to such a statutory LAP being prepared (Reg. Refs. F15A/0609;

F18A/0058; F19A/0220 and F19A/0221; F15A/0093/PL06F.245710; F18A/0092/ABP-301639-18; F18A/0167; F21A/0390); F18A/0735; ABP-304499-19 refers).

In this regard, Reg. Ref. F15A/0609 represents the initial phase of development for Belcamp by our client, Gerard Gannon Properties, and provides for housing between the Malahide Road and Belcamp Hall itself as well as the restoration of Belcamp Hall (protected structure). Some amendments have since been made to that original parent permission.

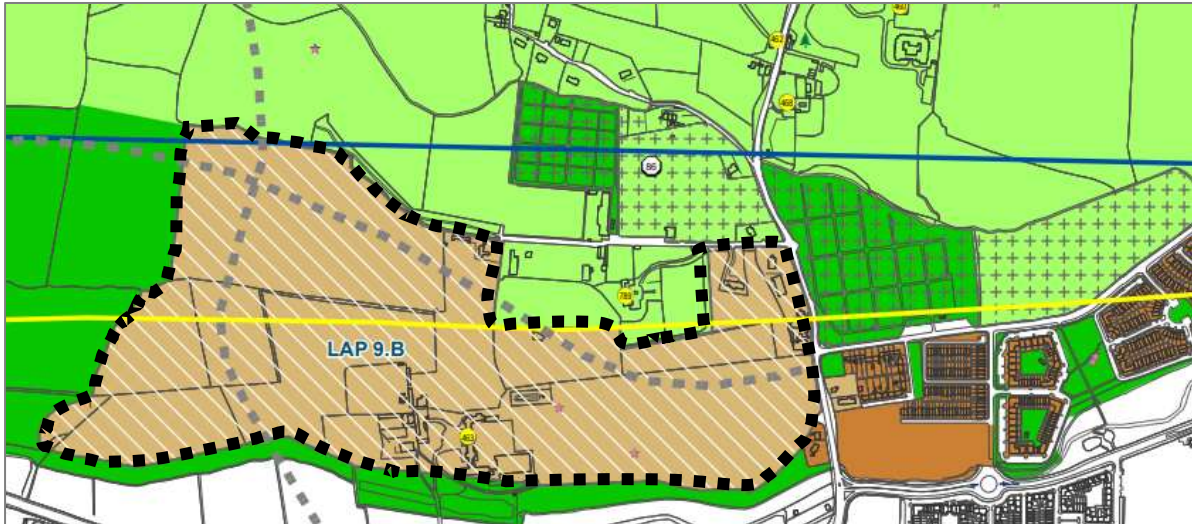


Figure 2. Land Use Zoning Map Extracted from the Current Fingal Development Plan (subject lands dashed in black)

## 6.0 DRAFT FINGAL DEVELOPMENT PLAN 2023-2029

Outlined in the Draft Development Plan, *'The Plan sets the context and zoning designations for Local Area Plans (LAPs). LAPs play an important role in setting the framework for the achievement of integrated and balanced communities within a specified area. They seek to provide the optimal development framework to ensure the protection and enhancement of the existing areas, key features and the environment within an area, while providing for a high-quality living environment through the use of robust urban design principles. The function of a LAP is to take a detailed look at a specific area, identifying and analysing the various issues of relevance, before establishing and setting out principles for the future development of the area Fingal County Council will continue to prepare and implement LAPs to deliver the Vision, Core Strategy and to coordinate the development of significant new housing/regeneration for the County at a more local level. LAPs are usually required for larger greenfield sites subject to large-scale development and where a mechanism to ensure necessary social and physical infrastructure is provided in tandem with development.'*

The Draft Development Plan goes on to state that *'the rationale for the selection of areas for which an LAP will be prepared is informed by the relevant sections of the Planning and Development Act 2000, as amended, Section 28 Planning Guidelines on Sustainable Residential Development, 2007 and the LAP Guidelines 2013. The Council proposes 6 new LAPs to be prepared during the plan period. These are listed in Table 2.16 below. These areas present substantial land-banks with significant redevelopment and regeneration potential, requiring a long lead in time to develop a workable framework for delivery as well as requiring significant social and physical infrastructure requirements.'*

The Belcamp lands are listed as one of the six local area plans scheduled to be commenced over the Plan period.

> Lissenhall East
> Flemington
> Coolquay
> Balscadden
> Ballymadun
> Belcamp

Figure 3. Table 2.16 of the Draft Fingal Development Plan (Belcamp dashed in red)

The Plan then states that ‘Fingal County Council will prepare these plans over the lifetime of the Development Plan, subject to resources’.

The Draft Development Plan has policies and objectives regarding the preparation of Local Area Plans, as follows:

**Policy CSP6 – Local Area Plans** Prepare Local Area Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

**Objective SPQH014** Prepare Local Area Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

In addition, the Draft Development Plan has a specific objective and a map based local objective relating to the Belcamp lands which read as follows:

**Objective CSO30 – Belcamp** Consider a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full re-instatement of Belcamp House to the satisfaction of the Planning Authority.

**57** Consider a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full reinstatement of Belcamp House to the satisfaction of the Planning Authority.





Figure 4. Land Use Zoning Map Extracted from the Draft Fingal Development Plan (subject lands dashed in black)

## 7.0 JUSTIFICATIONS & GROUNDS OF SUBMISSION

This submission is proposing the removal of the LAP designation on the Belcamp lands which is denoted as *LAP 9.B* on the draft zoning map of the Draft Fingal Development Plan 2023-2029. The following provides the grounds and justifications to the proposed submission.

### 7.1 Local Area Plan Designation

The subject lands are zoned Objective 'RA' – New Residential, which seeks to:

*“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”.*

There is an objective to prepare a Local Area Plan for the Belcamp Lands within the lifetime of the next Plan period specified under the Draft Fingal Development Plan 2023-2029, but this has not been brought forward or delivered by the Planning Authority at any stage during the lifetime of the current Development Plan, for the period 2017 to 2023.

In this regard, we note that the preparation of an LAP has not commenced and is not on a priority list of the Local Authority at present. Furthermore, the Draft Development Plan also includes the following caveat in relation to preparation and adoption of LAPS, *‘Fingal County Council will prepare these plans over the lifetime of the Development Plan, **subject to resources**’.*

This would suggest that there is a possibility in this next successive Development Plan period that the preparation of an LAP for the lands may again be unlikely to be prepared and adopted, particularly given now that the overall site has commenced and has several decisions pending on live planning applications.

Moreover, as per the Local Area Plans; Public Consultation Draft of Guidelines for Planning Authorities, *“the general content to an LAP is a written statement a map(s) indicating objectives, which essentially include: (1) zoning objectives; (2) such other objectives and in such detail as may be determined by the planning authority, including objectives for phased development, community facilities and amenities and on standards for design of development. The document goes on to add that “The provisions of the*

*legislation, therefore, afford a high degree of discretion to planning authorities as to their content in respect of development objectives”.*

It is submitted that the live SHD application on the subject lands (ABP-313494-22) essentially provides for 2,527 no. dwellings in tandem with childcare facilities, retail and/or commercial areas, public open space and community amenity. Compliance of the scheme with national, regional, and local planning policy has also been fully assessed within a Statement Consistency accompanying the application, with a Statement of Material Contravention addressing any elements of the scheme which might potentially materially contravene the relevant planning policy.

Another element to the preparation of an LAP is the consultation aspect of the plan, where *“Section 18(6) of the Act enables a planning authority to enter into an arrangement with any suitably qualified person or local community group for the preparation or the carrying out of any aspect of the preparation of a local area plan. However, taking into account the conclusions of the recently published planning review, arrangements with developers under the above provisions are inappropriate.”* Outlined in the document, *“Section 20(1) of the Act requires planning authorities to take whatever steps they consider necessary to consult with the Minister for the Environment, Community and Local Government and the public in preparing, amending or revoking a local area plan, including consultations with:*

- 1. local residents and community groups;*
- 2. public sector agencies;*
- 3. non-governmental agencies; and*
- 4. business interests.”*

In response, the SHD lodgement process is inherently defined on a participatory basis, where the competent planning authorities, Irish Water, prescribed bodies, adjoining landowners, etc. need to be consulted prior to submitting the application. As such, the Belcamp SHD followed the same route, and various stakeholders were consulted in the pre-application stage including the planning authorities, An Bord Pleanála, Inland Fisheries Ireland, the NTA, Irish Water, the IDA (adjoining landowner), etc. Also, lodging the application to the planning authorities, a copy was also submitted to the list of prescribed bodies advised by the An Bord Pleanála to the applicant in the pre-planning stage. Therefore, it is submitted that the live application on the Belcamp lands, which accounts for the remaining balance of undeveloped lands, provides for similar procedural elements of preparing an LAP.

In terms of preparing applications prior to any Local Area Plan being prepared by Fingal County Council, DOWNEY refer to paragraph 7.16.1 of the Development Management Guidelines, which state:

*“development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame”.*

It can be argued that in the absence of a Local Area Plan (LAP) and with no timeline for the preparation of an LAP (as previously confirmed by Fingal County Council in 2021 and more recently in the Draft

Development Plan which states that the preparation of LAPs will be subject to resources), such plans may appear as planning obstacles to the procurement of planning permission and the overall delivery of housing on lands which are appropriately zoned and serviced for development, and in this case, lands zoned for residential development since 2005 (c.17 years).

In the case of Belcamp, it can be argued that the proposed continued development and completion of the Belcamp lands is of strategic and national importance as there is a clear and urgent need for housing at a national level within Ireland.

There are also numerous planning precedents for the permission of development in the absence of a completed and adopted plan, with Belcamp itself being such a precedent in that earlier phases have been granted planning permission by Fingal County Council and An Bord Pleanála in the absence of a Local Area Plan (LAP). Furthermore, having regard to the pattern of development in the area and the development granted to date on the subject lands (and under construction) and indeed in the live planning application process, it is submitted that the preparation of a Local Area Plan for the lands is no longer justified.

## 7.2 Pattern of Development at Belcamp

In recent years, there have been several notable developments approved and/or under construction on the Belcamp LAP lands, as illustrated below, with a considerable quantum of additional residential units currently being proposed and/or pending a decision for this emerging community.

### **Belcamp Development**

Our client, Gerard Gannon Properties, are currently developing the Belcamp lands, with new homes being regularly brought to market, as demonstrated below:



*Figure 5. Initial Phase of Belcamp*



*Figure 6. New Residential Homes at Belcamp (constructed and occupied)*

In this instance, the Belcamp lands are unique in that our client, Gerard Gannon Properties, is the sole owner of the remaining developable lands at Belcamp and the ongoing development of the lands is being carefully considered and designed such that it does not impact or prejudice the future development of surrounding landholdings. The lands are subject to extant planning permissions which are under construction, and several live planning applications which are on appeal with An Bord Pleanála, are live applications with Fingal County Council or with An Bord Pleanála. The permitted and proposed developments clearly identify proposed links to surrounding lands, the provision of extensive open spaces, social and community infrastructure, and the provision of walking and cycling routes that allow and do not prohibit the development of surrounding lands in separate ownership. Belcamp Hall, its walled garden, and woodland setting will be at the heart of the overall scheme. These applications represent the completion of the Belcamp lands in accordance with local and national policy guidance which must be recognised.



*Figure 7. New Residential Homes at Belcamp (constructed and occupied)*

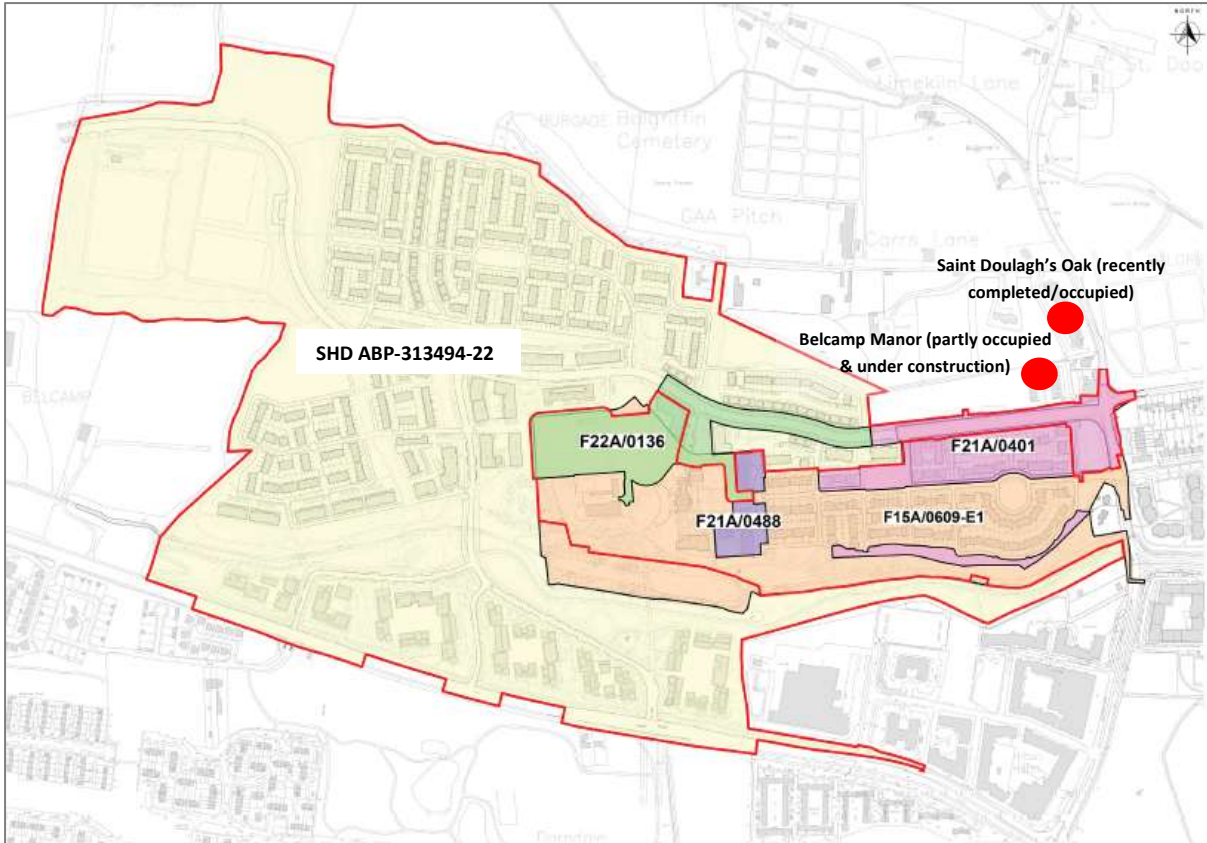


Figure 8. Extant Planning Permissions & Live Planning Applications at Belcamp (representing completion of Belcamp LAP lands)



Figure 9. Live Planning Applications at Belcamp



Figure 10. Live Planning Applications at Belcamp

**Saint Doulagh's Oaks, Carr's Lane (forms part of Belcamp LAP Lands)**

59 Apartments – Completed December 2021 (granted under permission Reg. Ref. F18A/0735; ABP-304499-19).



Figure 11. Aerial View of Saint Doulagh's Oaks, with ongoing developments of Belcamp Manor & Belcamp Phase 1 (College Avenue, Washington Drive & River Walk) in the background

**Belcamp Manor Development & The Balgriffin Inn Development (forms part of Belcamp LAP Lands)**

Residential development of Belcamp Manor & the mixed-use development which includes The Balgriffin Inn pub – Partly Completed/Occupied and Under Construction (F15A/0093/PL06F.245710; F18A/0092/ABP-301639-18; F18A/0167; F21A/0390)



Figure 12. Belcamp Manor



Figure 13. Belcamp Manor & The Balgriffin Inn Developments

As outlined and demonstrated above, residential developments within Belcamp are ongoing, with some developments completed such as in the case of Saint Doulagh's Oaks or nearing completion, Belcamp Manor, with the remaining developable lands of Belcamp being under the control of our client, Gerard Gannon Properties, and either under construction or subject to live planning applications.

## 8.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Gerard Gannon Properties, in relation to the proposed removal of the LAP designation on the Belcamp lands which is denoted as *LAP 9.B* on the Draft Fingal Development Plan 2023-2029.

This submission outlines consistency of this proposal within national, regional, and local planning policy and how it would contribute to the sustainable planning and development of the Belcamp area. Section 7 of this submission further supports this proposal by providing grounds and justifications, which are summarised as follows:

- Superseding of the current and/or draft Development Plan objective on preparation of an LAP for Belcamp lands by the virtue of planning permission decisions and the on-going developments that have occurred in the area since 2015;
- Active profile of the landowner in delivering granted permissions in the area, which is believed to be of national and regional significance by supplying a considerable quantum of housing targets in tandem with community services, infrastructure upgrade works, and public open space;
- Dynamic market of houses delivered in the earlier phases of the developing Belcamp lands which essentially illustrates efficiency of delivering houses in this area;
- Lack of a committed timeline on the preparation of an LAP for any of the proposed LAP designated lands in the draft Development Plan, including the Belcamp lands, by subjecting this objective to being '*subject to resources*' (refer to pg. 56 of the draft Development Plan).

With respect to the above, DOWNEY are of the professional opinion that a Local Area Plan (LAP) designation on the subject lands is no longer warranted as the entirety of the lands have progressed beyond strategic plan making and are now constructed/occupied, under construction or at detailed design stage/under consideration by the competent authorities through the planning application process including the most recent SHD application for 2,527 units which represents the completion of the Belcamp landholding. Thus, DOWNEY propose the removal of the LAP designation from the Belcamp lands.

In light of the above, DOWNEY respectfully request that Fingal County Council consider the grounds and justifications of this submission in preparing the Fingal Development Plan 2023-2029.